

Summit Media Broadcasting, LLC

180 Main Street
Sutton, WV 26601

Phone 1-304-765-7373

WDBS 97.1 FM

WSGB 1490 AM

Fax 1-304-765-7836

Email: info@theboss97fm.com

RE: Docket 99-25

LPFM comments

8-3-05

Summit Media Broadcasting, LLC, a small West Virginia company is the licensee of radio stations WDBS-FM and WSGB-AM, Sutton, WV. Summit Media also is the licensee of 4 FM translators, three of which are used for fill-in service to populated areas that can not receive our main signal clearly within our protected contour. We anticipate to modify our 4th translator to be used for fill-in as well in the near future. WDBS's protected contour is located in rough mountainous terrain in the Appalachian Mountains of central West Virginia which have elevations from 1,000 to 3,400 feet. Our signal and other local FM's have signals full of multi-path and weak reception. Summit Media applied for FM translators to use as fill-in translators to enhance the listening pleasure of population centers in our local coverage area. The positive reaction we have received from the first two translators we have built makes the expense worthwhile. We were able to provide a clean reception service to Summersville, West Virginia with W255BM. The downtown area, which includes a large concentration of population for Nicholas County can now pick up a clean stereo signal that provides local public service announcements, news, weather, sports, EAS, coverage of local events, entertainment that up till now was provided from weak distant signals or WDBS's multi-path noise signal. The same was accomplished for the smaller communities of Birch River and Clay in West Virginia with our translator W251AY. In the near future we will complete the installation of W243CA in Sutton to once again eliminate the multi-path that is heard right in downtown Sutton, Flatwoods and Gassaway. Is there any value in these Fill-In Translators, we say yes. WDBS-FM provides our listeners with information they could not obtain elsewhere. The value of our EAS to notify listeners of severe weather conditions in the area is critical. Central West Virginia has three commercial FM stations with local multi-path noise signals. We have no local TV coverage and cable distribution is low, most people rely on Dish Network or Direct TV for reception. Therefore radio is more important here than other places in the United States. Summit Media Broadcasting, LLC requests the FCC to maintain and establish a priority to Translator Fill-In service to local stations within their protected contours.

Summit Media further requests the FCC to prohibit the issuance of satellite fed translators and full powered FM stations in the commercial band that provide no local presence in the community they are licensed to serve. A prime example is Educational Media Foundation which operates 2 Class A FM stations in West Virginia, WDKL 95.9 FM Grafton, WV and WKVW 93.3 FM Marmet, WV. Neither station has a local studio, no public file, no local presence, no full time managers or local staff and no local phone number. Their only purpose is to solicit money from listeners and do nothing for the local communities these stations are supposed to serve.

The FCC is routinely granting these exemptions of no studio required to EMF across the country. Additionally Educational Media Foundation has dozens of translators across West Virginia and probably thousands across the USA that could be used for LPFM service. This outright abuse of the FM spectrum by EMF and others doing similar maneuvers are causing LPFM proponents to complain about all other forms of service provided on FM. Additionally commercial operators have to pay a full array of spectrum and application fees to the FCC, while EMF and others who hide behind the non-profit status, collect enormous amounts of money to buy more channels as evident by the recent actions of EMF all across the country. These non-profits need some accountability on the millions of dollars they generate from their media holdings. Their income must be taken into account, regardless of the non-profit status and they must be made to pay a fair share of fees to maintain the daily operations of the FCC. Presently these large radio non-profits maintain full time engineering or legal staffers to maneuver around FCC regulations, this needs to stop and the best way is to stop granting them exemptions that are not granted to commercial operators, treat all licensees equally.

Presently FCC regulations prohibit AM stations from having translators, Summit Media Broadcasting urges the FCC that FM translator service be made available to AM stations where the FM channels are available. These are usually rural areas where small AM stations are the only source of local mass communications. Those translators must be co-located in the same community as the licensed AM station. This will enhance the ability of Class C local 1kw and Daytime only AM stations to provide better service to their licensed communities. A 250 watt FM translator will cover the same area as the Class C AM's daytime coverage area. This will permit these Class C and Daytime only AM's to have a reliable coverage area both day and night to provide timely local news, weather and sports coverage that is not provided by LPFM or full powered FM stations that serve multi-county areas. This will open more voices to local communities, consider it a "Super LPFM" that will have the ability to sell commercial time to pay for the services it then provides to the local community these AM's with FM translators serve. This will also continue the mission of the FCC to provide broadcast service to the public through the efficient use of the broadcast frequency spectrum. A filing window exclusive to AM licensees who can fit a translator in their community can be scheduled by the FCC.

Presently the FCC permits LPFM to use a translator outside of it's primary contour. This is being done by WQAZ-LP Edmond, WV with translator W268AZ in Beckley, WV. The purpose of a LPFM is to provide local community service to it's community of license, there is no logic to rebroadcasting on a translator that is 22 air miles away in Beckley. That translator frequency should be used for a new local LPFM. Therefore we request the FCC clarify the regulations to prohibit translators for LPFM's.

Summit Media also requests the FCC to continue the ownership restrictions on LPFM's so that an entity will own no more than on one LPFM station. Eliminating these restrictions will again backfire on the purpose of the LPFM service which is to provide local community service. Removal of the restriction will establish a vehicle for those wishing to make a quick dollar to overburden the FCC with applications, only to turn these LPFM's over to national groups who will once again eliminate any local service to the community as they have done with regular full service stations.

Summit Media does favor the ability of the LPFM operator to be able to sell the license to any buyer that has no other interests in broadcasting licenses, LPFM, non-profit or commercial stations. This is to maintain a true local service. Additionally LPFM's must maintain a city grade signal over their community of license. We have come across some LPFM applications where the tower location would not even provide a good signal into the community of license.

In Summary, Summit Media Broadcasting, LLC believes that the FM service should consist of the following priorities, that would be used to resolve any conflicts:

- 1- Full power licensed FM stations of all Classes.
- 2- Translators that are used to provide fill-in service within a protected contour of the primary FM station.
- 3- Translators that are used to provide fill-in service within a protected contour of the primary AM station.
- 4- LPFM service, once licensed can not be bumped by any new translator service, however a LPFM service must move to alternate frequencies if a full power licensed FM can fit into the frequency being used by the LPFM.
- 5- translators fed by satellite or is located outside the protected contour of the main FM or AM station.

Respectfully submitted,

Nunzio A. Sergi - Managing Member
Summit Media Broadcasting, LLC